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CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CALIFORNIA RESTAURANT
ASSOCIATION,

Plaintiff,

vs.

THE CITY AND COUNTY OF SAN
FRANCISCO AND THE SAN
FRANCISCO DEPARTMENT OF
PUBLIC HEALTH,

Defendants.

Case No. C08-3247 CW

**NOTICE OF DEFENDANT CITY AND
COUNTY OF SAN FRANCISCO'S
INTENT TO APPEAR AT AUGUST 28,
2008 HEARING ON PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION**

CALIFORNIA RESTAURANT
ASSOCIATION,

Plaintiff,

vs.

THE COUNTY OF SANTA CLARA
AND THE SANTA CLARA COUNTY
PUBLIC HEALTH DEPARTMENT,

Defendants.

Case No. C08-3685 CW
(Related with above case)

1 In its Order Concerning Hearing on Plaintiff's Motion For A Preliminary Injunction dated
 2 August 15, 2008, this Court instructed Defendant City and County of San Francisco ("San
 3 Francisco") to notify this Court if it wishes to appear and be heard at the August 28, 2008 hearing on
 4 Plaintiff's motion for a preliminary injunction in the related case of *California Restaurant Association*
 5 *v. County of Santa Clara*, No. C 08-3685 CW (the "Santa Clara case").

6 Because the issues raised in Plaintiff's preliminary injunction motion in the Santa Clara case
 7 are identical to the issues raised in Plaintiff's preliminary injunction motion in *California Restaurant*
 8 *Association v. City and County of San Francisco*, No. C 08-3247 CW (the "San Francisco case"), San
 9 Francisco hereby notifies the Court that it wishes to appear and be heard on Plaintiff's motion in the
 10 San Francisco case at the August 28, 2008 hearing. Accordingly, San Francisco requests that the
 11 hearing presently scheduled for September 4, 2008 be vacated.

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 15 Dated: August 20, 2008

16 DENNIS J. HERRERA
 17 City Attorney
 18 WAYNE SNODGRASS
 19 FRANCESCA GESSNER
 20 TARA M. STEELEY
 21 Deputy City Attorneys

22 By: _____/s/_____
 23 FRANCESCA GESSNER

24 Attorneys for Defendant
 25 CITY AND COUNTY OF SAN FRANCISCO
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